

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANIL KAPOOR,

Plaintiff,

against

ORDER ADOPTING
REPORT AND RECOMMENDATION
05-CV-2106(JS)(ARL)

BROOKHAVEN MEMORIAL HOSPITAL
MEDICAL CENTER, LINDA WATSON, and
JAMES HOWE,

Defendants.

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APPEARANCES:

For Plaintiff: Anil Kapoor, pro se
30 Gazebo Lane
Holtsville, New York 11742

For Defendants: Alexander Soric, Esq.
Mary Ellen Donnelly, Esq.
Putney, Twombly, Hall & Hirson, LLP
521 Fifth Avenue
New York, New York 10175

SEYBERT, District Judge:

On May 2, 2005, Plaintiff filed suit against Defendants for alleged violations of his civil rights and alleged acts of discrimination. Plaintiff did not appear for his deposition or respond to Defendants' discovery requests. Subsequently, on September 15, 2006, Defendants requested that the Magistrate Judge recommend to this Court that this action be dismissed for failure to prosecute.

On October 3, 2006, Magistrate Judge Arlene R. Lindsay filed her Report and Recommendation. In that Report, the Magistrate recommended that this Court dismiss this case for

Plaintiff's failure to prosecute. The Magistrate then sent the Report and Recommendation to all the parties via certified mail, return receipt requested. On October 23, 2006, the return receipt was docketed. It contained Plaintiff's signature and indicated that Plaintiff received the Magistrate's Report on October 21, 2006.

At least ninety days have passed since Plaintiff received the Report; Plaintiff has not objected to the Report. Upon review of the Report to which no party has objected, the Court ADOPTS the Report in its entirety. All objections are deemed waived. See 28 U.S.C. § 636(b)(1); FED R. CIV. P. 72; Beverly v. Walker, 118 F.3d 900, 902 (2d Cir. 1997); Savoie v. Merchants Bank, 84 F.3d 52, 60 (2d Cir. 1996).

Accordingly, the Court DISMISSES this action with prejudice. The Clerk of the Court is ordered to mark this matter as CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
January 31, 2007